

SCHOOL BOARD notes

Schundler: Regionalization Is Not Moving

The state's plan to propose regionalized school districts to voters this fall, a centerpiece of 2007 legislation, is effectively on hold, Commissioner of Education Bret Schundler told local school officials gathered for NJSBA's southern New Jersey Town Hall meeting at Glassboro High School on Saturday.

If the Legislature wants the plan to go forward, it will have to fund studies into the financial and educational feasibility of proposed regionalization configurations as specified by the 2007 law, according to Schundler.

The commissioner expressed a belief that cost savings would be found in sharing administrative and other services, rather than merging school districts and

eliminating local school boards, which are unpaid. He noted, however, that the administration would be supportive of locally initiated proposals which studies show would result in efficiency.

Schundler's comments came in response to a question from program moderator Ray Pinney, NJSBA member outreach coordinator.

The major obstacle facing implementation of the 2007 law, according to Schundler, has been the lack of state funding for feasibility studies. He said he will propose to the Legislature that it change direction on regionalization. However, if the lawmakers want to go forward with the current plan, they will have to provide money to pay for feasibility studies.



Left to right, at NJSBA's May 22 Town Hall meeting, were Raymond R. Wiss, NJSBA president; Marie S. Bilik, NJSBA executive director; Education Commissioner Bret Schundler; and Donald T. Webster Jr., NJSBA vice president for finance.

Under the 2007 act, the state's executive county superintendents were to develop various regionalization configurations—with an emphasis on merging elementary-only and secondary-only districts into kindergarten through 12th grade systems. Proposals, supported by feasibility studies, were to have been submitted for review to the state Department of Education this past March. Regionalization plans would be submitted to voters of impacted communities in September.

From RTTT to Toolkit Much of the Town Hall discussion centered on the state's proposed Race to the Top grant application, particularly education reform initiatives, such as tenure and seniority reform, that would be implemented if New Jersey receives the federal funding. Also discussed was the state's Alternative High School Assessment. Schundler referenced an appeal process that, under special circumstances, would allow a


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Race to the Top Application Update

The Assembly and Senate last Thursday unanimously passed Senate Concurrent Resolution 102, a measure that expresses support for New Jersey's application in the federal Race to the Top grant competition.

On May 18, NJSBA submitted a letter to Education Commissioner Bret Schundler strongly endorsing the state's application. "The proposals reflected in the round two application would expand on the innovative strategies contained in the state's initial application and would serve to open doors to educational opportunity for disadvantaged students, advance student achievement by providing additional teacher compensation based on classroom

performance, build an accurate and useful database of student achievement, and give local school officials the ability to retain the best teachers by making needed changes in the state's tenure and seniority system," wrote Marie S. Bilik, NJSBA executive director. The full text of the letter is available under "What's New," at www.njsba.org.

Applications for the Race to the Top competitive grants are due June 1. New Jersey could receive up to \$400 million over four years if its application is successful. Information about the state's application can be found on the "Race to the Top Round 2 Application" section of the state Department of Education's website. 

Students Struggle with Alternative Graduation Test

As many seniors face the possibility of not graduating this year, state Department of Education officials promised special summer remediation programs for students who failed New Jersey's revamped second-chance diploma test.

At the May 19 State Board of Education meeting, state education officials reported that thousands of students did not pass the alternative graduation test, the Alternative High School Assessment (AHSA), thereby jeopardizing their chances for graduating.

On their third try in March, 16.3 percent, or 1,864 students, passed the High School Proficiency Assessment (HSPA) for mathematics, and 29.9 percent (1,531 students) passed the language arts portion of the test.

New Test Unveiled Students who fail the HSPA three times can receive a diploma

by passing the Alternative High School Assessment. The AHSA replaces the Special Review Assessment, which was widely criticized for a lack of rigor; last year, 96 percent of students taking the Special Review Assessment passed. Deputy Education Commissioner Willa Spicer said state officials were concerned about the lack of state oversight of the Special Review Assessment process.

This year, an outside firm – not the students' teachers – graded the new second-chance graduation test.

AHSA exams are evaluated by two scorers; if they disagree, answers are checked by a third scorer.

Over the past several weeks, the state Department of Education rechecked a portion of the failing exams – 3,015 math

scores and 1,915 language arts scores – from the AHSA given in January. The state found 15 percent of the students (643 students) who took the language arts section of the AHSA passed it, while 37 percent of the students (3,530) passed the mathematics portion.

Students may re-take the AHSA this summer. Besides offering summer remediation such as online tutoring, state education officials said students who present other evidence of literacy or math proficiency may appeal to the department. Guidelines for the appeals process will be distributed to the local districts, Deputy Commissioner Spicer said. However, state education officials said they will not revert to the previous method of allowing teachers to score the test. 🍏

May 15 Delegate Assembly: Summary of Action

The NJSBA Annual Delegate Assembly met May 15 at the Wyndham Conference Center in Plainsboro to elect Association officers to serve from 2010-2012. The election of officers was covered in the May 19 issue of *School Board Notes*. Delegates also considered two resolutions:

Resolution No. 1 from Glassboro (Gloucester) requested that NJSBA's Manual of Positions and Policies on Education, File Code 6174, Summer School and Weekend Classes policy, be revised to allow districts to charge students domiciled in the district for remedial and/or advanced classes taken during a summer school program. Approved with the following substitute policy language:

The NJSBA believes boards should be permitted to charge fees to pupils attending non-credit or credit summer, weekend, advanced and enrichment programs. NJSBA further believes that districts should assume the cost for those students who do not have the ability to pay as deter-

mined by federal and/or state law.

Resolution No. 2 from South Plainfield (Middlesex) requested that NJSBA's Manual of Positions and Policies on Education, File Code 5131.5, Vandalism and Violence, be revised to include that school districts are permitted to and may take whatever action they deem appropriate to protect their students from harassment, intimidation and/or bullying even when there is an ongoing criminal investigation; and further that such language should not be construed as authorizing school districts to interfere or intercede in any way with an ongoing criminal investigation involving District pupils. Approved with the following revised policy language:

Paragraph C:

The NJSBA believes that the State Board of Education, the New Jersey State Department of Education, the State Legislature, and other agencies should assign a high priority to the issue of school violence, harass-

ment, intimidation and bullying through providing means for local school districts to:

- *promote a district-wide attitude of sensitivity in dealing with others;*
- *investigate school violence, harassment, intimidation and bullying and promulgate methods of preventing and combating them, including policies and other strategies for prevention during a pending criminal or school investigation of a student;*
- *train staff to respond quickly and appropriately to incidents of violence, harassment, intimidation and bullying;*
- *provide means for increasing supervision in activities outside the classroom; include topics in the curriculum that address the causes and prevention of violence, harassment, intimidation and bullying; and encourage students, teachers, and others who may be victims of violence, harassment, intimidation and bullying to report such actions to school officials.* 🍏

SPRING SCHOOL LAW FORUM 2010

Designed for School Board Attorneys – Board Members and Administrators Welcome



Tuesday, June 8, 2010

9 a.m. – 2 p.m. (Registration 8:30 a.m.)

**N.J. Principals and Supervisors Association
Headquarters, Monroe Township, N.J.**

Members: \$150 per person

Non-members: \$225 per person

Registration includes buffet lunch.

Pending Approval: 5.1 hours of CLE credits*

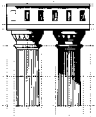
Learn about cutting-edge developments in school law. Practicing school board attorneys will share research and their experience in addressing the latest court decisions, administrative rulings, and statutes and code that affect public education and school district governance.

Learn about the latest developments in:

- Student Residency Law
- Open Public Records Act
- Destruction of Public Records Law
- Hot Issues in Special Education
- RIFs and Non-Renewals
- School Law Update

**This program is pending approval from the Board on Continuing Legal Education of the Supreme Court of New Jersey for 5.1 hours of total CLE credit. Of these, none qualify as hours of credit for ethics/professionalism, and none qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law. BCLE Reg. 302:10*

If you have any questions, Please contact Cindy Stanhope at (609) 278-5254, or e-mail csthanhope@njsba.org.



Academy Credits: 1

CBM Core Areas: School Law, Policy, Board Operations, Relationships

MBM Core Areas: School Law, School/Community Relationships

CBL Status: Not eligible for credit

Cancellation Policy: Cancellations made up to 10 working days prior to the program date will be refunded the entire registration fee. Cancellations made between 10 working days and 72 hours of the program start will be charged \$25. Cancellations made within 72 hours and no-shows will be charged full fee.

The school district accountability law places travel restrictions on school board members. Travel approval is required in advance. For information, visit www.njsba.org/accountabilityact/

All registrations must be prepaid.

Please register me for the **Spring School Law Forum 2010**, Tuesday June 8, 2010, 9 a.m. – 2 p.m. at N.J. Principals and Supervisors Association Headquarters, Monroe Township, N.J.

Registration Fee:

\$150 per Member

\$225 per Non-member

Payment enclosed

Bill Board (Voucher enclosed)*

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DISTRICT: _____ COUNTY: _____

ADDRESS: _____

PHONE: (h) _____ (b) _____

FAX: _____ E-MAIL: _____

Return to: New Jersey School Boards Association, Call Center

413 W. State Street, P.O. Box 909, Trenton, New Jersey 08605-0909 or FAX: (609) 278-5280

*If you wish to be billed and a voucher is required for your records, please send it with your registration to avoid duplication. Travel directions will be provided when your registration is confirmed.

Governor Vetoes Millionaires' Tax

On May 20, in a vote along party lines, the Democratic-controlled state Assembly and Senate passed A-10, a measure to increase taxes on income in excess of \$1 million.

Minutes after receiving the bill, Gov. Chris Christie vetoed it.

According to estimates, the bill would have raised \$637 million. A companion bill, A-20, which earmarked the revenues from the millionaires' tax for property tax rebates for senior citizens and the disabled, also passed. The governor vetoed that bill as well.

While news reports said state Senate President Steve Sweeney told Christie, "We'll be back, governor," it is unclear whether the Democrats will be able to override the veto with the required two-thirds majority in both houses.

NJSBA supports a one-year extension of the millionaires' tax, in addition to urging local teachers unions to agree to a one-year wage freeze, and calling on state lawmakers to enact benefits reform for public employees. 🗳️

Milestones in Cumberland



Twenty-year Milestone Awards were presented to two school board members at the May 19 Cumberland County School Boards Association meeting. Above, Marie Bernstein of the Bridgeton board receives an award for more than 20 years from Connie Johnson (left), county association president, and Richard Stepura, executive county superintendent. Below, Greg Peterson of the Upper Deerfield Township board also receives an award for more than 20 years of service.



Peterson of the Upper Deerfield Township board also receives an award for more than 20 years of service.



Board of Directors Highlights

The meeting of NJSBA's Board of Directors took place on Friday, May 14, 2010 at the Wyndham Princeton Forrestal Conference Center/Hotel, Plainsboro, New Jersey. Action taken at the Board of Directors meeting included the following:

- Administered the oath of office to Board of Directors alternate Andrew Churney (Burlington).
- Received update on the headquarters renovation project at 413 W. State St., Trenton. This included a cost report, a floor-by-floor activity report, updated pictures and video footage of building's interior and exterior during renovation.
- Approved open session minutes of March 19, 2010 Board of Directors meeting.
- Presented a resolution and plaque to retiring Board of Directors member Dr. Jonathan Hodges (Urban Boards). Allen Rude Jr. (Sussex) was unable to attend.
- Acknowledged retiring Board of Directors alternates Rowland Bennett (Essex), Carrie Gilliard (Hudson), Peggi Law (Ocean), and Kim Law-Jackson (Urban Boards).
- Presented a resolution and plaque to outgoing officers Peter J. Calvo, Vice President for County Activities, and Kevin E. Ciak, Immediate Past President. Mr. Ciak was also presented with a legislative proclamation, a framed collage of pictures, and a piece of luggage. Harry J. Delgado, President, was presented with a plaque and a framed picture.
- Presented Board Recertification Award to Barnegat (Ocean), Camden City (Camden), and Willingboro (Burlington). Representatives from Downe Township (Cumberland), Haworth (Bergen), and New Milford (Bergen) were unable to attend the Board of Directors meeting. Boards unable to attend will be recognized at their upcoming board of education meetings.
- Approved NJSBA's 2010-2011 budget.
- Approved Board of Directors meeting dates for FY 2010-2011.
- Approved 1st reading, waived 2nd reading, and adopted the following Governance and Operations Policies:
 1. GO Policy File Code 4112, *Professional Licenses*
 2. GO Policy File Code 4151.1, *Personal Time*
 3. GO Policy File Code 4151.2, *Leave for Death in Family*
 4. GO Policy File Code 4152.2, *Jury Duty*
 5. GO Policy File Code 4153.1, *Sick Time*
 6. GO Policy File Code 4154, *Extended Leave*
 7. GO Policy File Code 4162.2, *Vacation Leave*
 8. GO Policy File Code 8458, *Reimbursement for Expenses of Legislative Committee*
- In closed session, discussed the executive director's contract for 2010-2011.
- In open session, approved the executive director's contract for 2010-2011 with majority vote.
- Heard advocacy update from Michael Vrancik, director of NJSBA's Governmental Relations Department.
- Received the report of the president.
- Received the report of the executive director.
- Information items included association financials through March 2010; resolutions considered for May 15, 2010 Delegate Assembly; Governance and Operations Policy and Regulations: GO/4150R, *Use of Sick Leave*, GO/4151.1R, *Personal Time*, GO/4151.2R, *Leave for Death or Serious Illness in Family*, GO/4152.1R, *Military Leave*, GO/4152.2R, *Jury Duty Leave*, GO/4153.1R, *Sick Leave*, GO/4154R, *Family Medical Leave*, GO/4161, *Association Holidays*, GO/4161R, *Association Holidays*, GO/4162.2R, *Payment of Unused Vacation*, GO/8105R, *Associate Members*, GO/8456R, *Membership on Association Committees*, GO/8458R, *Limits of Expenses for Legislative Committee*; Legislative Committee Update; NSBA Magna Awards 2010; Board Recertification Awards; and 2010 Technology Teacher Excellence Award.



LEGISLATIVE UPDATE

A bill to make the position of treasurer of school monies optional for a school district was approved by both the Assembly and the Senate, and now goes to the governor for his signature. S-1287/ A-2573 passed both houses unanimously on May 20.

The position of treasurer of school monies is one which served as a check on the board secretary, however it pre-dates the adoption of modern accounting standards and is now considered to be an unnecessary expense for boards. It has been estimated that districts pay between \$2,500 and \$12,000 a year for the services of a treasurer of school monies.

Under current law, the custodian of monies of a municipality serves as the treasurer of school monies of a school district, unless the board of education designates the tax collector as the treasurer. If the municipal custodian or the tax collector does not wish to serve as treasurer, the board appoints another person who is not a member or employee of the board.

The new legislation makes the position of treasurer of school monies optional for a district. If the district does decide to have a treasurer, it may appoint anyone to the position who is not a member of or an employee of the board. The person doesn't have to be the municipal custodian or the tax collector.

NJSBA supports this legislation.



POLICY QUESTION & ANSWER

Question: Our superintendent's contract expires next year, on July 1, 2011. The superintendent may retire. Then again, we aren't sure that retirement will occur. Questions: When should we start looking for a new superintendent? Also, should the school board give the superintendent a notice that the contract won't be renewed? When?

Answer: It is wise to start thinking now about what occurs when the contract expires in 2011. Here's why: The contract of the exiting superintendent may have a clause providing for a one-year notice of non-reappointment (non-renewal). The board should give notice of non-reappointment this June. A non-appointment notice might be as simple as this text for a board resolution: "Resolved: The contract of the current superintendent will not be renewed upon its expiration date of July 1, 2011."

Retirement will be the superintendent's decision, and is not within the board's control. The resolution not to reappoint provides certainty so the search for a new superintendent can begin. If the superintendent decides not to retire, the board's search will continue without confusion.

Boards must review the language of the superintendent's current contract as to issues of non-renewal notices. Some existing contracts contain a clause requiring a full year's notice.

Change in Law The law on non-renewal changed in 2008. State law (NJSA 18A:17-20.1) now says that school boards only need to give a one-month notice (30 days) for each year of the contract.

But what if the pre-existing contract has a clause calling for a one-year's notice?

In that case, the contract language is likely to prevail. In a previous commissioner decision (Soloman, 2004; June 24), a contractual notice clause that called for two years' notice of non-renewal was upheld. A one year's notice provision would likely be interpreted consistent with previous rulings.

When hiring a new superintendent, boards may want to include text in the contract to match the law in NJSA 18A:17-20.1.

"The Board shall provide the Chief School Administrator/Superintendent with written notice of its intent not to renew this contract, with such notification being given prior to the expiration of the contract by a length of time equal to 30 days for each year in the term of the current contract. Upon issuance of such notice of non-reappointment, employment shall cease at the expiration of the term of this contract."

It is a good time to begin the process of selecting a new superintendent, and the first step is giving notice of non-reappointment of the current superintendent. Giving notice before July 1, 2010 may avoid confusion and potential litigation.

NJSBA Renovations Nearing Completion

Renovation work on NJSBA's headquarters building at 413 W. State St. is proceeding on-time and within budget, according to Raymond R. Wiss, NJSBA president and chairman of the Association's Headquarters Redevelopment Committee. Completion of the project is anticipated around Aug. 1, 2010.

The building, built in 1962, suffered from leaking windows and roof, inefficient heating and ventilation, asbestos issues, aging plumbing and other infrastructure problems. NJSBA's Board of Directors voted in May 2009 to renovate the existing headquarters, rather than the more expensive option of constructing a new building.

Work on the electrical, carpentry, mechanical and plumbing systems have been proceeding throughout the building. A new roof has been completed, and the support pieces for the rooftop solar panels are in place.

Contractors are assessing whether the windows will need to be replaced due to continuing issues with water leaking. Even if replacement windows are needed, the entire retrofit project is targeted to fall within the \$7 million budget.

NJSBA staff has been working from temporary leased quarters at 850 Bear Tavern Road in Ewing.

Regionalization Not Moving

continued

student unable to pass the alternate graduation exam to have a portfolio of his work reviewed by a panel at the state Department of Education. (See related article, page 2.)

Schundler also addressed Governor Christie's proposed "toolkit" bills designed to help local government and school districts control costs, including the Cap 2.5 proposed constitutional amendment.

To view a video of the May 22 Town Hall meeting, visit www.livestream.com/njsba or sign up for NJSBA's School Leader Connect site at www.slconnect.org.



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Obituary: Frank Giordano, Longtime Vineland Board President

Frank Giordano, former president of the Vineland Board of Education, died Sunday. He was 64. Mr. Giordano served on the board for 12 years, nine as president, until his board service concluded last month.

Mr. Giordano also served as president of the Vineland Basketball Association. He leaves his mother, three sisters, a brother, and several nieces, nephews and other relatives.

Donations may be made in his memory to the American Heart Association, 1 Union St., Suite 301, Robbinsville, NJ 08691; or to the Vineland Basketball Association, P.O. Box 502, Vineland, NJ 08362.

Funeral services will be Thursday. Arrangements are being handled by the Wainwright-Bernhardt Funeral Home in Vineland.



Union County School Boards Association Meets

Senate Republican Leader Thomas H. Kean Jr., left, a member of the Senate Education Committee, talks with Denis Smalley, president of the Union County School Boards Association. Sen. Kean and other school officials attended the association's May 12 meeting in Kenilworth to acknowledge the young people honored as part of the organization's student recognition program.

C A L E N D A R

June 7

- ▶ Gloucester County School Boards Association (SBA) Spring Meeting, Gloucester County Institute of Technology Theater, Sewell, 6:30 p.m.

June 8

- ✓ Spring School Law Forum, New Jersey Principals and Supervisors Association, Monroe Township, 9 a.m.

June 10

- ▶ Ocean County SBA, Annual Spring Meeting, Central Regional High School presentation room, Bayville, 6:30 p.m.

June 12

- ✓ New Board Member Orientation, "Governance I," Pond Road Middle School, Robbinsville, 8:30 a.m.

▶ Denotes pre-registration required



Denotes NJSBA Board Member Academy Training Program